

**WEINER
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February 29, 2012

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BY E-FILING

**ENTERED
Office of Proceedings**

FEB 29 2012

**Part of
Public Record**

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

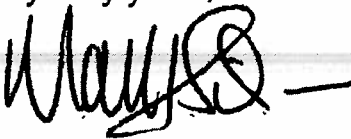
Re: STB Finance Docket No. 35536, Louisville & Indiana Railroad –
Petition for Declaratory Order

Dear Ms. Brown:

On February 28, 2012, Indiana Department of Transportation, Rail Office ("INDOT"), issued an order (copy attached) (the "INDOT Order") withdrawing its previous approval of the at-grade crossing that is the subject of the above-referenced proceeding. The INDOT Order was issued at the request of the City of Jeffersonville (the "City"). The City is a party to this proceeding.


In light of the INDOT Order, Louisville & Indiana Railroad Company requests that this proceeding be dismissed without prejudice. Counsel for the City has advised the undersigned that the City will not oppose this request.

Very truly yours,


Mark H. Sidman

Enclosures

cc: John K. Secor (by e-mail)
Michael J. Daley, Esq. (by e-mail)
Emily C. McKinney, Esq. (by e-mail)

 GRANTED Office of Proceedings	DECISION ID NO.: <u>42247</u>
	DECIDED DATE: <u>3/2/12</u>
	SERVICE DATE: <u>3/2/12</u>
	APPROVED: <u>Peter D Campbell</u> Director
<input type="checkbox"/>	

DECISION ID NO:	
DECISION DATE:	
APPROVAL DATE:	
APPROVED BY:	
Director	
<input type="checkbox"/>	For Review Office of

INDIANA DEPARTMENT OF TRANSPORTATION

Multi-modal Planning & Programs

Rail Office

February 28, 2012

PETITION OF THE CITY OF JEFFERSONVILLE)
CLARK COUNTY, INDIANA, FOR THE APPROVAL) Docket No.: DOT-RR-2086
OF AN ESTABLISHMENT OF A GRADE CROSSING)
ON PROPOSED ROAD OVER MAINLINE TRACKS)
OWNED BY THE LOUISVILLE & INDIANA)
RAILROAD IN CLARK COUNTY, INDIANA)
)
PETITIONER,)
)
and)
)
LOUISVILLE & INDIANA RAILROAD, UTILITY)
CONSUMER COUNSELOR FOR THE STATE OF)
INDIANA, JEFFERSONVILLE PUBLIC)
WAREHOUSE INC. AND CSX INC.)
)
RESPONDENTS.)

RAIL OFFICE DISMISSAL ORDER

Dear Participants:

Whereas:

On or about March 5, 2010 the City of Jeffersonville (Petitioner), Clark County, Indiana, respectfully petitioned the Indiana Department of Transportation Rail Office for approval of the establishment of a crossing at grade at the junction of the proposed road and the railway tracks of Louisville & Indiana Railroad.

On or about December 29, 2010 the Rail Office issued an Order approving the petition.

The December 29, 2010 Order is the subject of current litigation between the City of Jeffersonville and the Louisville & Indiana Railroad.

Specifically, the Order is the subject of a Petition for Review and a Petition of Stay which were filed by the Louisville & Indiana Railroad on or about July 15, 2010.

That action is pending before Administrative Law Judge Donna Stolz Sembroski.

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February 28, 2012
INDOT, Rail Office Dismissal Order
DOT-RR-2086

On or about January 27, 2012 the City of Jeffersonville, by letter from Mayor Mike Moore, advised that the City of Jeffersonville no longer wishes to utilize the Order approving the City of Jeffersonville's petition for an at grade crossing.

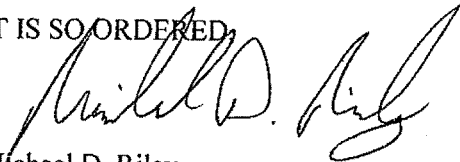
On or about January 27, 2012 the City of Jeffersonville, by letter from Mayor Mike Moore, advised that the City of Jeffersonville has abandoned the Main Street Extension project.

On or about January 27, 2012 the City of Jeffersonville, by letter from Mayor Mike Moore, advised that the City of Jeffersonville wishes that the Order approving the at grade crossing be withdrawn.

IT IS ORDERED:

The INDOT Rail Office Order issued on or about December 29, 2010 approving the at grade crossing is hereby withdrawn.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Michael D. Riley", is written over the text "IT IS SO ORDERED."

Michael D. Riley
Manager - Rail Office
Multi-modal Planning & Programs

David Stippler
Indiana Utility Consumer Counselor
115 W. Washington St., Suite 1500 South
Indianapolis, IN 46204

E-Mail

The Honorable Mike Moore
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INDOT, Rail Office Dismissal Order
DOT-RR-2086

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Tom Dunbar Utility/Railroad Engineer Indiana Department of Transportation Seymour District 185 Agrico Lane Seymour, IN 47274	E-Mail
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File: 2086 Dismissal Order
